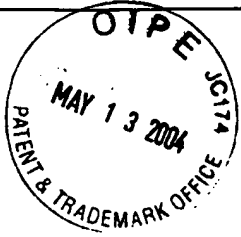


ARNOLD & PORTER LLP

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555 Twelfth Street, NW
Washington, DC 20004-1206



May 13, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1631
Examiner: J. Martinell
Conf. No.: 8906

Re: U.S. Patent Application Serial No. 10/021,323 filed December 12, 2001
Inventors: Jill DEIKMAN *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.295

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$330.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.295. A duplicate copy of this letter is enclosed.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.295. A duplicate copy of this letter is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Marsh".

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jill DEIKMAN *et al.*

Appl. No.: 10/021,323

Filed: December 12, 2001

Confirmation No.: 8906

Art Unit: 1631

Examiner: James Martinell

Atty. Docket: 16517.295

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed February 13, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

David R. Marsh (Reg. Atty. No. 41,408)
Holly Logue Prutz (Reg. Atty. No. 47,755)
Thomas E. Holsten (Reg. Agent No. 46,098)

Date: May 13, 2004

ARNOLD & PORTER LLP
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[Signature]